

### **REMARKS**

The Office Action dated November 5, 2004 set forth a restriction requirement requiring election. Applicant hereby elects species depicted in figures 4 through 8, without traverse. Original claims 1 through 17 have been withdrawn, and claims 18 through 23 have been added. New claims 18-23 are fully supported by the specification, particularly by the description of the embodiment of figures 4-8 on pages 7-9, and are readable upon the species elected by Applicant.

The Examiner rejected claims 1-4, 8 and 11-17 and objected to claims 5-7, 9 and 10. The Examiner rejected claims 13-15 under 35 U.S.C. § 112 as failing to comply with the written description requirement. Further, the Examiner rejected claims 8 and 12-16 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Applicant respectfully submits that new claims 18-23 overcome the rejections raised by the Examiner with respect to 35 U.S.C. § 112.

The Examiner also rejected claims 1, 11, and 17 under 35 U.S.C. § 102(b) as being anticipated by Anderson; claims 1, 4, 11 and 17 under 35 U.S.C. § 102(b) as being anticipated by Sato; and claims 1-4 as being anticipated by European reference 995589. Applicant submits that none of the cited references shows or suggests, among other things, to move the bottom jaw to an unloading position wherein the bottom jaw is located laterally with respect to the top jaw, as required by new claims 18-23. Further, this movement allows the product to be easily unloaded onto a supporting pallet by simply moving the bottom jaw in the unloading position (thus freeing the bottom face of the product) and by deactivating the suction cups of the top jaw. For these and other reasons, applicant respectfully submits that

claims 18-23 are patentably distinct from any of the cited references, either alone or in combination.

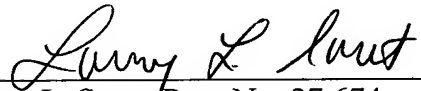
The Examiner objected to claims 5-7, 9 and 10 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. These claims have been withdrawn.

### CONCLUSION

The species depicted in figures 4 through 8 is hereby elected by Applicant. Claims 1-17 are withdrawn and new claims 18-23 are added. For the reasons discussed above, it is respectfully submitted that claims 18-23 are each patentable, and allowance is requested.

Respectfully submitted,

Date: Feb 4, 2005

  
\_\_\_\_\_  
Larry L. Saret, Reg. No. 27,674  
Gretchen M. Hosty, Reg. No. 54,721  
Michael Best & Friedrich LLP  
401 North Michigan Avenue, Suite 1900  
Chicago, Illinois 60611  
(312) 222-0800

File No. 048562-9004

S:\CLIENT\048562\9004\C0477800.1